## REMARKS

In response to the Office Action dated May 15, 2009, claims 169, 170, 175-179, 180, 181-183, 186-189, 190, 191 and 196-199 have been amended. Claims 169-199 are pending in the application.

In paragraph 3 on page 2 of the Office Action, claims 169, 171-177, 180, 182-187, 190 and 192-197 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander.

In paragraph 4 on page 5 of the Office Action, claims 170, 181 and 191 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander, and in view further view of Yuen.

In paragraph 5 on page 6 of the Office Action, claims 178-179, 188-189 and 198-19 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander, and in view further view of Gerace.

Applicant respectfully traverses the rejections, but in the interest of expediting prosecution has amended claims 169, 170, 175-179, 180, 181-183, 186-189, 190, 191 and 196-199.

Independent claim 169 sets forth gathering user-related profile data by monitoring interactions between an iTV user and an iTV to extract data received at the iTV, data transmitted by the user from the iTV and interactions between the user and the iTV, storing the gathered user-related profile data in an interaction database, periodically retrieving the gathered user-related profile data in the interaction database, building a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database and data in a local categorized program

13

database, wherein the user profile includes affinity and confidence measures for programs and presenting programming recommendations in an interactive program guide presenting programs rearranged to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile associated with the user.

In contrast, Herz merely teaches a system for delivering programs, where each customer has a profile to effectively target programming. However, Herz fails to suggest building a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database and data in a local categorized program database, wherein the user profile includes affinity and confidence measures for programs.

Herz also fails to disclose, teach or suggest presenting programming recommendations in an interactive program guide presenting programs rearranged to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile associated with the user.

Thus, Herz fails to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190.

Alexander fail to overcome the deficiencies of Herz. Alexander merely discloses a programming guide that presents channels to the user in an order that is based on the profile of the user. However, Alexander fails to disclose, teach or suggest building a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database and data in a local categorized program database, wherein the user profile includes affinity and confidence measures for programs.

Alexander also fails to disclose, teach or suggest presenting programming recommendations in an interactive program guide presenting programs rearranged to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile associated with the user.

Alexander does not even mention the consideration of confidence measure in building the user profile or rearranging programs to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile.

Thus, Herz and Alexander, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190.

Yuen fails to overcome the deficiencies of Herz and Alexander. Yuen is merely cited as erasing all raw information that is collected. However, Yuen fails to disclose, teach or suggest building a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database and data in a local categorized program database, wherein the user profile includes affinity and confidence measures for programs.

Yuen also fails to disclose, teach or suggest presenting programming recommendations in an interactive program guide presenting programs rearranged to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile associated with the user.

Thus, Herz, Alexander and Yuen, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190.

Gerace fails to overcome the deficiencies of Herz, Alexander and Yuen. Gerace teaches building a profile and receiving a URL of the previously viewed web page and

storing cookies. However, Gerace fails to disclose, teach or suggest building a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database and data in a local categorized program database, wherein the user profile includes affinity and confidence measures for programs.

Gerace also fails to disclose, teach or suggest presenting programming recommendations in an interactive program guide presenting programs rearranged to reflect a predicted interest of the user based on the affinity and confidence measures of the user profile associated with the user.

Moreover, Gerace fails to suggest that the gathering user-related profile data by monitoring interactions between an iTV user and an iTV includes gathering data associated with Internet navigation by the user using the iTV.

Thus, Herz, Alexander, Yuen, and Gerace, alone or in combination, fail to disclose, teach or suggest the invention as defined in new independent claims 169, 180 and 190 .

Dependent claims 170-179, 181-189 and 191-199 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 169, 180 and 190, respectively. Further dependent claims 170-179, 181-189 and 191-199 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 170-179, 181-189 and 191-199 are patentable over the cited references.
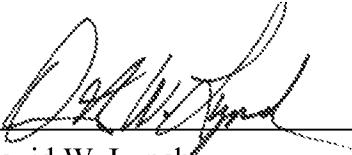
On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

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